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| APPLICATION NO.                                                                                                                                                      | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.        | CONFIRMATION NO.       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|----------------------|----------------------------|------------------------|
| 10/560,885                                                                                                                                                           | 12/12/2005  | Bryn Griffiths       | 78014099/N17831            | 3647                   |
| 7590 07/30/2007<br>DeWitt Ross & Stevens<br>Intellectual Property Department<br>Firstar Financial Centre<br>8000 Excelsior Drive Suite 401<br>Madison, WI 53717-1914 |             |                      | EXAMINER<br>NEGRON, ISMAEL |                        |
|                                                                                                                                                                      |             |                      | ART UNIT<br>2885           | PAPER NUMBER           |
|                                                                                                                                                                      |             |                      | MAIL DATE<br>07/30/2007    | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/560,885

Applicant(s)

GRIFFITHS ET AL.

Examiner

Ismael Negron

Art Unit

2885

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 49-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 49-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 12/12/2005
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's preliminary amendment filed April 28, 2006 has been entered. No claim has been amended. Claims 1-48 have been cancelled. Claims 49-68 have been added. Claims 49-68 are still pending in this application, with claims 49, 58 and 65 being independent.

### *Title*

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Container with ~~Light or Sound~~  
~~Generator~~ Illumination Means.

### *Abstract*

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should

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include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

3. The abstract of the disclosure is objected to because it fails to concisely describe the subject matter of the invention. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 49-57 are rejected under 35 U.S.C. 102(b) as being anticipated by CARSON (U.S. Pat. 6,254,247).

5. CARSON discloses an illuminated container having:

- **a bottle for fluid contents fabricated from a light-transmitting material (as recited in Claim 49), Figure 1, reference number 12;**
- **the bottle having an external indentation (as recited in Claim 49), Figure 1, reference number 36;**
- **the indentation containing a circuit device (as recited in Claim 49), Figure 1, reference number 62;**
- **the circuit device including a power source (as recited in Claim 49), Figure 1, reference number 74;**
- **the circuit device including a light-emitter (as recited in Claim 49), Figure 1, reference number 64;**
- **the light emitter being located on the side of the circuit device adjacent to the container (as recited in Claim 49), as seen in Figure 1;**
- **the bottle further including an externally-actuable electrical switching arrangement (as recited in Claim 49), Figure 1, reference number 76;**

- **the switching arrangement being included in the circuit device (as recited in Claim 49), as seen in Figure 1;**
- **the switching arrangement being for connecting the power source to the light-emitter (as recited in Claim 49), column 4, lines 1-4;**
- **the switching arrangement being of a type which is arranged to be actuated only once from OFF to ON (as recited in Claim 49), columns 4 and 5, lines 62-67 and 1-3, respectively;**
- **the light-emitter being arranged, upon actuation of said switching arrangement from OFF to ON, to illuminate the contents of the bottle (as recited in Claim 49), columns 4 and 5, lines 62-67 and 1-3, respectively;**
- **the switching arrangement being arranged to be actuated independently of opening the bottle and independently of moving the bottle (as recited in Claim 50), column 5, lines 4-6;**
- **the container further including an insulating tab (as recited in Claim 51), Figure 1, reference number 78;**
- **the switching arrangement being activated by removal of the insulating tab (as recited in Claim 51), columns 4 and 5, lines 62-67 and 1-3, respectively;**
- **the bottle having a closure element (as recited in Claim 52), Figure 1, reference number 30;**

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- **the location of the tab being spaced from the closure element (as recited in Claim 52), as seen in Figure 1;**
- **the switching arrangement being capable of being actuated magnetically (as recited in Claim 53), inherent;**
- **the light-emitter being arranged, upon actuation of said switching arrangement from OFF to ON, to illuminate the contents of the bottle until the power source is exhausted (as recited in Claim 54), as evidenced by Figure 1;**
- **the light-emitter being arranged, upon actuation of said switching arrangement from OFF to ON, to illuminate the contents of the bottle for about 15 to 20 minutes (as recited in Claim 55), column 4, lines 42-44;**
- **the power source being a battery of substantially flat shape (as recited in Claim 56), column 4, line 40-43;**
- **the light-emitter including a light-emitting diode of substantially flat shape (as recited in Claim 57), column 4, lines 8-9.**

6. Claims 58-64 are rejected under 35 U.S.C. 102(b) as being anticipated by CARSON (U.S. Pat. 6,254,247).

7. CARSON discloses a portable container having:

- **a light-emitter (as recited in Claim 58), Figure 1, reference number 64;**
- **an event-detecting arrangement (as recited in Claim 58), Figure 1, reference number 76;**
- **a self-contained power source (as recited in Claim 58), Figure 1, reference number 74;**
- **a connector being for connecting the light-emitter with the event-detecting arrangement and the power source (as recited in Claim 58), as required for operation;**
- **light being emitted by the light-emitter on detection of one or more predetermined events by the event-detecting arrangement (as recited in Claim 58), columns 4 and 5, lines 62-67 and 1-3, respectively;**
- **the container being at least partially fabricated from a material able to transmit light (as recited in Claim 58), as evidenced by Figure 1;**
- **the light-emitter being arranged to be able to illuminate the contents of the container (as recited in Claim 58), column 3, lines 37-39;**
- **the contents being illuminated substantially uniformly (as recited in Claim 59), as evidenced by Figure 1;**



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- **the container being arranged in normal use such that after detection of an event, light is emitted until the power source is exhausted (as recited in Claim 60), columns 4 and 5, lines 62-67 and 1-3, respectively;**
- **the activating event including the opening of the container (as recited in Claim 61), column 5, lines 8-11;**
- **the container including a removable insulating tab (as recited in Claim 62), Figure 1, reference number 78;**
- **the activating event including removal of the insulating tab (as recited in Claim 63), columns 4 and 5, lines 62-67 and 1-3, respectively;**
- **the light-emitter includes at least one light-emitting diode (as recited in Claim 63), Figure 1, reference number 64;**
- **the light-emitter and the power source being located in an indentation external to the container (as recited in Claim 64), as seen in Figure 1.**

8. Claims 65-68 are rejected under 35 U.S.C. 102(b) as being anticipated by CARSON (U.S. Pat. 6,254,247).

9. CARSON discloses a portable container having:

- **an output signal emitter (as recited in Claim 65), Figure 1, reference number 64;**
- **a self-contained power source for the signal emitter (as recited in Claim 65), Figure 1, reference number 74;**
- **the power source being connected to the signal emitter by a connection including a switch which is arranged to be maintained open by a removable insulating tab (as recited in Claim 65), Figure 1, reference number 78;**
- **the arrangement being such that, on removal of the insulating tab, the switch closes and an output signal is emitted (as recited in Claim 65), columns 4 and 5, lines 62-67 and 1-3, respectively;**
- **the container having a closure element (as recited in claims 66 and 67), Figure 1, reference number 30;**
- **the tab being located at or in the closure element of the container (as recited in Claim 66), as evidenced by column 5, lines 8-11;**
- **the location of the tab on the container being spaced from the closure element of the container (as recited in Claim 67), as seen in Figure 1;**

- **the output signal being light (as recited in Claim 68), column 3, lines 37-39;**
- **the container being at least partially fabricated from a material able to transmit light (as recited in Claim 68), as evidenced by Figure 1;**
- **the output signal emitter being arranged to illuminate any contents within the interior of the container (as recited in Claim 68), as evidenced by Figure 1.**

***Relevant Prior Art***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Chen** (U.S. Pat. 5,784,265), **Paek et al.** (U.S. Pat. 6,163,248), **Lewis et al.** (U.S. Pat. 6,419,384), **Tai** (U.S. Pat. App. Pub. 2003/0081408), **Policappelli** (U.S. Pat. App. Pub. 2004/0004829), **Liu** (U.S. Pat. App. Pub. 2004/0017678), **Lewis et al.** (U.S. Pat. App. Pub. 2004/0136177) and **Lu** (U.S. Pat. App. Pub. 2004/0212987) disclose container having illuminations means positioned in an external indentation.

***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negron whose telephone number is (571) 272-2376. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee, can be reached on (571) 272-7044. The facsimile machine number for the Art Group is (571) 273-8300.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications maybe obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197.

/Ismael Negron/  
Patent Examiner  
AU 2885